

REMARKS

New drawing (figure 8) is submitted herewith. New figure 8 is in accordance with 37 CFR 1.83(a). No new matter has been added.

Applicant requests entry of new figure 8.

In the specification, paragraphs at pp. 7 and 10 have been amended to correct minor editorial matters, namely adding new figure 8 and incorporating figure elements from figure 8.

Claims 6-9, 15-18 and 24-27 have been canceled.

Claims 1, 2, 10, 11, 19, 20 and 28 have been amended, consistent with the specification, to correct errors and to more succinctly define the invention that is the subject of this application. Support for the amendment to claim 19 can be found at p. 19, 10-25.

New claims 30 and 31 have been added. Support for new claim 30 can be found at p. 15, 7-17 and for new claim 31 at p. 9, 20-24. No new matter has been added. Applicant request entry of new claims 30 and 31.

Drawings

The drawings are objected to under 37 CFR §1.83(a) as not showing every feature of the invention specified in the claims. To address the objection Applicant has provide new figure 8 and canceled claims 6-9, 16-18 and 24-27. With these amendments the objection is now moot.

Rejection under 35 USC §112

Claims 2, 11 and 19-27 are rejected under 35 USC §112, second paragraph. With the amendments to claims 2, 11 and 19 Applicant urges that the rejection has been cured and requests reconsideration and allowance of claims 2, 11, 19 and claims 20-23 dependent therefrom.

Rejection under 35 USC §102

Claims 1, 2, 6, 8-11, 15, 17-20, 24 and 26-29 are rejected under 35 USC §102(e) as being anticipated by Griffiths (6,270,641). Applicant traverses the rejection.

As illustrated in FIG. 5 and plainly recited in claim 1 the invention comprises, in part, a microchannel system comprising at least two microchannels joined together to form a junction at their intersection, wherein at least one of the microchannels has a reduced cross-section proximate the junction.

Griffiths describes and claims a low dispersion device for turning the direction of transport of a moving sample. Specifically, at col. 14, 34-60, cited by the Examiner, Griffiths describes the reduction of dispersion in turns and junctions for splitting and subdividing samples produced by his configuration and the construction of these devices as being “generally defined by parallel channel walls, one or more contraction regions in which the cross-sectional area of the channel is reduced, one or more constricted portion defining minimum cross-sectional area and one or more expansion regions in which the cross-sectional area increases. The contraction and expansion regions extend somewhat into the turn.” Thus, Griffiths is drawn to a device for reducing sample dispersion in turns, wherein dispersion is reduced by a combination of a contraction region and an expansion region (cf. claim 1).

Contrary to Examiner’s express representation, nowhere does Griffiths read on the claims of the instant invention. Griffiths discloses and claims methods for reducing or eliminating sample dispersion in turns by engineered contractions and expansions to skew the sample profile in a manner that just offsets the sample distortion occurring in the turn (col. 13, 1-5). Notwithstanding the fact that the purpose of the invention of the invention and thus the channel geometry disclosed is different from that claimed, nowhere does Griffiths read upon one of the microchannels having a reduced effective cross-sectional proximate the junction formed by the intersection of two microchannels as recited in claim 1 and illustrated in FIG. 5. Applicants note that one distinction between the

instant invention and Griffiths is the word "proximate", i.e., the microchannels have a reduced effective cross-sectional area proximate the junction. Turning now to Webster's Third New International Dictionary, 1971, the word proximate is defined as meaning immediately adjoining, a requirement completely absent in Griffiths.

It is well settled that a finding of anticipation requires that each and every element set forth in the claim be found either expressly or inherently in the reference. As Applicant has shown above such is not the case with Griffiths. Therefore, Applicant requests reconsideration and allowance of claims 1, 2, 10, 11, 20, 28 and 29.

Rejection under 35 USC §103

Claims 7, 16 and 25 are rejected under 35 USC § 103(a) as being unpatentable over Griffiths in view of Chow (6,149,787). Claims 7, 16 and 25 having been canceled the rejection is now moot.

CONCLUSION

New claims 30 and 31 have been presented. Applicant requests entry of new claims 30 and 31. The rejection of claims under 35 USC §§102, 103 and 112 having been overcome, Applicant requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Certificate of Mailing Under 37 CFR §1.8

I hereby certify that this Correspondence and documents referred to herein were deposited with the United States Postal Service as first class mail addressed to: Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date of Deposit: 11-17-04

Person making Deposit Liz Martinez Signature Liz Martinez

Application No: 09/669,862

For Applicant: Hasselbrink, Jr.

IN THE DRAWINGS

In accordance with the requirements of 37 CFR 1.83(a), new drawing (FIG. 8) is submitted herewith showing every feature of the invention specified in the claims. No new matter has been added.